

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA
3

4 In the Matter of

5 **NOEL A. YANNESSA, M.D.**

6 Holder of License No. 5413
7 For the Practice of Medicine
8 In the State of Arizona.

Case No. MD-98-0434

**CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

9
10 **CONSENT AGREEMENT**

11 By mutual agreement and understanding, between the Arizona Board of Medical
12 Examiners (Board) and Noel A. Yannesssa, M.D. (Respondent) the parties agree to the
13 following disposition of this matter.

14 1. Respondent acknowledges that he has read this Consent Agreement and
15 the stipulated Findings of Fact, Conclusions of Law and Order; and, he is aware of and
16 understands the content of this document.

17 2. Respondent understands that by entering into this Consent Agreement for
18 the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a
19 hearing or judicial review in state or federal court on the matters alleged or to challenge
20 this Consent Agreement and the Order in its entirety as issued by the Board and waives
21 any other cause of action related thereto or arising from said Order.

22 3. Respondent acknowledges and understands that this Consent Agreement
23 and the Order will not become effective until approved by the Board and signed by its
24 Executive Director.

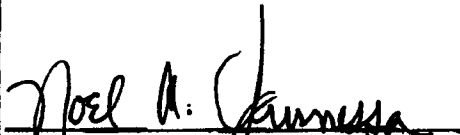
25 4. All admissions made by Respondent are solely for final disposition of this
matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended
2 or made for any other use, such as in the context of another state or federal government
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
4 any other state or federal court.

5 5. Respondent acknowledges and agrees that, upon signing this agreement,
6 and returning this document (or a copy thereof) to the Board's Executive Director,
7 Respondent may not revoke his acceptance of the Consent Agreement and Order or make
8 any modifications to the document, although the Consent Agreement has not yet been
9 accepted by the Board and issued by the Executive Director. Any modifications to this
10 original document are ineffective and void unless mutually approved by the parties.

11 6. Respondent further understands that this Consent Agreement and Order,
12 once approved and signed, shall constitute a public record document, which may be
13 publicly disseminated as a formal action of the Board.

14 7. If any part of the Consent Agreement and Order is later declared void or
15 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
16 and effect.

17
18 
19 Noel A. Yannessa, M.D.

Dated: April 24, 2001

20 FINDINGS OF FACT

21 1. The Board is the duly constituted authority for the regulation and control of
22 the practice of allopathic medicine in the State of Arizona.

23 2. Noel A. Yannessa, M.D., is the holder of license number 5413 for the
24 practice of allopathic medicine in the State of Arizona.
25

3. The Board initiated case number MD-98-0434 upon receiving a complaint from patient, A.C.

4. On June 15, attempted to perform a hysterosalpingogram on the patient. During the procedure, Respondent had difficulty in finding a speculum appropriate for exposure of the cervix and difficulty in catheterizing the uterine os. The patient asked him to cease the procedure due to pain. Respondent's attempt at the procedure caused the patient physical pain and some bleeding.

5. Another physician successfully performed the same procedure the following day without any complications.

6. Respondent's was incompetent in performing the procedure, since the procedure was performed on the following day without any complications. Respondent's performance of the procedure fell below the standard of care.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Noel A. Yannessa, M.D. (Respondent), holder of license number 5413.

2. The conduct and circumstances described above in paragraphs 4 to 6 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (Any conduct or practice which is or might be harmful or dangerous to the health of the patient or the public).

ORDER

IT IS HEREBY ORDERED THAT:

1. Noel A. Yannessa, M.D. (Respondent), holder of license number 5413, shall not perform any hysterosalpingograms, until Respondent meets with the Board or affirmatively receives the Board's approval to do so.

2. This Order is final disposition of case number MD-98-0434.

3. The Board retains jurisdiction and may initiate a new action based upon any violation of this order.

DATED and effective this 25th day of April, 2001.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

By Claudia Foutz
CLAUDIA FOUTZ
Executive Director
TOM ADAMS
Deputy Director

ORIGINAL of the foregoing filed this
26 day of April, 2001 with:

The Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by
Certified Mail this 26 day of April, 2001 to:

Noel A. Yannesssa, M.D.
3170 E. Fort Lowell Rd.
Tucson, AZ 85716

EXECUTED COPY of the foregoing
hand-delivered this 26 day of April, 2001, to:

Richard Albrecht, Assistant Attorney General
c/o Arizona Board of Medical Examiners
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Counsel for the Board

Sandra Waith
~~Lisa Marie Mullins, Legal Coordinator~~
~~Board Operations~~

Sandra Waith
Management Analyst

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3 In the Matter of

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5 **NOEL A. YANNESSA, M.D.**

6 Holder of License No. **5413**
7 For the Practice of Medicine
8 In the State of Arizona.

Board Case Number: MD-98-0434

**ORDER VACATING CONSENT
AGREEMENT FOR PRACTICE
RESTRICTION DATED APRIL 25, 2001**

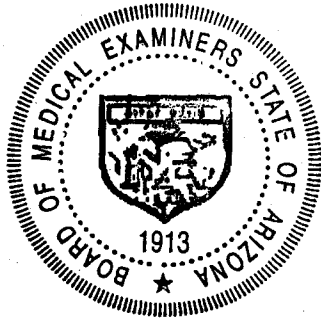
9 On April 25, 2001, the Arizona Board of Medical Examiners ("Board") and Noel A.
10 Yannessa, M.D. ("Respondent") entered into a Consent Agreement for Practice Restriction
11 precluding Respondent from performing any hysterosalingograms until he received the
12 Board's affirmative approval to do so. At its public meeting of February 6, 2002, the Board
13 was presented with evidence that Respondent was qualified to perform
14 hysterosalingograms. The evidence presented to the Board included that Respondent had
15 voluntarily re-trained in performing the procedure; that he had observed seven of the
16 procedures performed by Board-certified obstetrician/gynecologists; and that Respondent
17 had read certain materials on anatomy and the performance of the procedure. The
18 Board's Medical Consultant agreed that Respondent had proven himself to be qualified to
19 perform the procedure.
20

21 Respondent has presented sufficient evidence to the Board to establish that he is
22 qualified to perform hysterosalingograms.

23 **ORDER**

24 IT IS HEREBY ORDERED that the Consent Agreement for Practice Restriction
25 dated April 25, 2001 is vacated effective February 6, 2002.

1 DATED this 30th day of April, 2002.



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

7 By Claudia Foutz
8 CLAUDIA FOUTZ
9 Executive Director

10 ORIGINAL of the foregoing filed this
11 30th day of April, 2002 with:

12 The Arizona Board of Medical Examiners
13 9545 East Doubletree Ranch Road
14 Scottsdale, Arizona 85258

15 Executed copy of the foregoing
16 mailed by U.S. Certified Mail this
17 30th day of April, 2002, to:

18 Noel A. Yanessa, M.D.
19 3170 East Fort Lowell Road
20 Tucson, Arizona 85716-1615

21 Copy of the foregoing hand-delivered this
22 30th day of April, 2002, to:

23 Christine Cassetta
24 Assistant Attorney General
25 Sandra Waitt, Management Analyst
Mike Zakrzewski, Senior Compliance Officer
Investigations (Investigation File)
Arizona Board of Medical Examiners
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

26 John J. Geoghegan